

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Talisayan	Team: Squad #11	CCRB Case #: 201903520	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/23/2019 6:11 PM	Location of Incident: 6th Avenue and West 17th Street	Precinct: 13	18 Mo. SOL 10/23/2020	EO SOL 6/9/2021	
Date/Time CV Reported Tue, 04/23/2019 6:41 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 04/23/2019 6:41 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Leonardo Nimo	4796	928869	013 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Leonardo Nimo	Abuse: Detective Leonardo Nimo questioned § 87(2)(b)	
B.DT3 Leonardo Nimo	Discourtesy: Detective Leonardo Nimo spoke discourteously to § 87(2)(b)	

Case Summary

On April 23, 2019, § 87(2)(b) filed this complaint with the CCRB via its call processing system.

On April 23, 2019, at approximately 6:00 p.m., § 87(2)(b) stopped by a damaged LinkNYC kiosk located at West 17th Street and 6th Avenue in Manhattan to photograph it. Detective Leonard Nimo of the 13th Precinct Detective Squad approached § 87(2)(b). Det. Nimo presented his identification card and asked § 87(2)(b) for his identification. Det. Nimo asked whether § 87(2)(b) knew why he was approached (**Allegation A – Abuse of Authority:** § 87(2)(g)).

Det. Nimo informed § 87(2)(b) that he was investigating the damaged kiosk. § 87(2)(b) stated that he took a photograph of the damaged kiosk for its artistic value. § 87(2)(b) provided his identification to Det. Nimo, and Det. Nimo photographed it. § 87(2)(b) then began to walk away from Det. Nimo, who proceeded to walk in the same direction as § 87(2)(b). As they walked, § 87(2)(b) argued with Det. Nimo about being racially profiled, telling Det. Nimo that he was an intellectual. Det. Nimo allegedly responded, “You’re acting pretty dumb for an intellectual” (**Allegation B – Discourtesy:** § 87(2)(g)).

§ 87(2)(b) was not arrested, and he did not receive a summons as a result of this interaction.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Leonard Nimo questioned § 87(2)(b).

It is undisputed that § 87(2)(b) was photographing a damaged LinkNYC kiosk when Det. Nimo approached him in the vicinity of West 17th Street and 6th Avenue in Manhattan.

§ 87(2)(b) stopped to photograph the LinkNYC kiosk on West 17th Street and 6th Avenue in Manhattan for approximately seven minutes. An unidentified woman had also stopped to photograph the kiosk. He looked up from his phone and saw Det. Nimo, a plainclothes officer, approaching him. Det. Nimo presented his NYPD identification card, asked § 87(2)(b) for his identification, and asked § 87(2)(b) whether he knew why he was being approached. Det. Nimo informed him that he was investigating the damaged kiosk. § 87(2)(b) stated that he photographed it because he found it artistically aesthetic to photograph. § 87(2)(b) began to tell Det. Nimo that they were in the “artsy district” and that anyone could have photographed the kiosk. Before § 87(2)(b) could express that he felt Det. Nimo was being racially biased, Det. Nimo interrupted § 87(2)(b) and said, “C’mon man, don’t go there.” At this time, Det. Nimo photographed § 87(2)(b)’s identification card and told § 87(2)(b) that he was done with him. § 87(2)(b) began to walk northbound. Det. Nimo tried to cross the street, but since traffic prevented him from crossing through the bike lane, Det. Nimo and § 87(2)(b) walked northbound until § 87(2)(b) walked ahead [**Board Review 01**].

Det. Nimo testified that the 13th Precinct Detective Squad was investigating several vandalized LinkNYC kiosks (the wide side glass panels were shattered as though they had been struck). Beyond the suspect being a Hispanic male, Det. Nimo received no additional pedigree information. On April 23, 2019, Det. Nimo conducted a canvass to locate storefront surveillance cameras between West 14th Street and West 23rd Street on 6th Avenue. During the canvass, Det. Nimo approached a damaged LinkNYC kiosk, its wider panel screen shattered as though it had been hit by a thrown object. He observed § 87(2)(b) a Hispanic male, standing by the kiosk alone, photographing it [**Board Review 02**].

Det. Nimo continued to walk in the same direction as § 87(2)(b) for approximately a block to see whether he would approach any other kiosks, but § 87(2)(b) did not. Det. Nimo also wanted to obtain § 87(2)(b)’s pedigree information and ask why he seemed interested in the kiosk. Det. Nimo approached § 87(2)(b) and identified himself as a detective. He told § 87(2)(b) that he had seen him photographing the damaged kiosk and asked him why he was doing so. In response, § 87(2)(b) stated that Det. Nimo was stopping him because he was Hispanic. Det. Nimo repeatedly stated, “The only reason I stopped you to ask a question is you had a particular interest

[in the kiosk].” Det. Nimo did not recall § 87(2)(b) providing an explanation for why he photographed the kiosk. Det. Nimo did not accuse § 87(2)(b) of being a suspect, and he was free to leave at any point during their conversation. Det. Nimo walked away from § 87(2)(b) to deescalate the situation, as a crowd was beginning to gather [Board Review 02].

The investigation performed a Google search and obtained news coverage videos from Youtube of approximately 30 vandalized LinkNYC kiosks in Manhattan on April 23, 2019 and an individual recorded by a surveillance camera throwing an object at one of the kiosks. The videos mention the NYPD’s investigation of the vandalized kiosks [Board Reviews 03, 04].

§ 87(2)(b) and Det. Nimo provided consistent testimony in which a conversation between them took place about § 87(2)(b) photographing a damaged LinkNYC kiosk. § 87(2)(b) and Det. Nimo then indicated that the conversation turned to whether Det. Nimo was racially profiling § 87(2)(b).

Officers may request an explanation for an individual’s conduct, even if their observations of the individual provided only “an objective credible reason” and are not “necessarily indicative of criminality” People v. Hollman (168 A.D.2d 259) [Board Review 05].

§ 87(2)(g)
[REDACTED]

Allegation (B) Discourtesy: Detective Leonard Nimo spoke discourteously to § 87(2)(b).

§ 87(2)(b) stated that after their initial conversation by the broken LinkNYC kiosk, Det. Nimo attempted to walk away from § 87(2)(b) by crossing the street through the adjacent bike lane. When he could not cross because of traffic, Det. Nimo and § 87(2)(b) walked in the same direction and exchanged words. § 87(2)(b) told Det. Nimo that he was an intellectual and that he was not being “rash in his judgment” in his accusations of Det. Nimo racially profiling him. Det. Nimo stated, “You’re acting pretty dumb for an intellectual” [Board Review 01].

Det. Nimo testified that § 87(2)(b) accused Det. Nimo of racially profiling him. Det. Nimo walked away from § 87(2)(b) to deescalate the situation. Det. Nimo did not recall whether § 87(2)(b) made a comment about being an intellectual, and he denied telling § 87(2)(b) that he’s “pretty dumb” for an intellectual [Board Review 02].

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been party [Board Review 06].
- Det. Nimo has been a member of service for 18 years. Ten complaints, and 19 allegations, have been filed against him, three of which have been substantiated: CCRB case # 201702813 involved a Threat of Arrest, Threat of Force, and a Discourtesy. § 87(2)(g)

[REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined mediation.

- On January 14, 2020, a request for a Notice of Claim was submitted to the Office of the New York City Comptroller was returned with negative results **[Board Review 07]**.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date